

Serial No. 09/716,854
Attorney Docket No. E0886
Firm Reference No. AMDSP0374US

Reply to Office Action Dated June 17, 2004
Reply Dated September 17, 2004

REMARKS

Following entry of the above amendment, claims 1-20 will be pending. Claims 1 and 12 have been amended. Claim 1 has been amended to clarify the features of the node discovery block. Specifically, the term "the node discovery block obtains, retains and communicates node capability information regarding a destination node of the frame" has been inserted in the claim. Claim 12 has also been amended to clarify features i.e., "the forming includes embedding in the frame MAC selection information regarding a destination node of the frame, if the software has available to it node capability information regarding the destination node." Additionally, claim 20 has been added.

I. ALLOWABLE SUBJECT MATTER

Applicants note the Examiner's indication that claims 9, 11, 14 and 17-19 constitute allowable subject matter. Claim 9 depends from claim 5. Claim 11 depends from claim 10. Claim 14 depends from amended claim 12 and claims 17-19 depend directly or indirectly from claim 16. Thus, claims 9, 11, 14 and 17-19 are believed to be in condition for allowance for at least the reasons stated below with regard to claims 5, 10, 12 (as amended) and 16, respectively.

II. AMENDMENTS TO THE SPECIFICATION

The Applicants have amended the disclosure to correct an informality identified by the Examiner that was incorrectly amended in the Reply to Office Action Dated February 12, 2004 filed March 3, 2004. No new matter has been added.

III. REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

Claims 1-8 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liu et al., U.S. Patent No. 5,754,540 ("C. Liu") in view of Liu et al., U.S. Patent No. 6, 574,664 ("S. Liu"). Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over C. Liu in view of Vepa et al., U.S. Patent No. 6, 567,377 ("Vepa"). Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over C. Liu in view of Lowe et al., U.S. Patent No. 6,

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442,617 ("Lowe"). Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over C. Liu in view of Vepa, and further in view of S. Liu. Withdrawal of the rejections is respectfully requested for at least the following reasons.

C. Liu discloses a multiport repeater 10 coupled to two network intermediate systems, bridge 30 and bridge 31. The bridges 30 and 31 couple the multiport repeater 10 to other types of network physical devices, as indicated by the block 32 and 34, respectively. Additionally, C. Liu discloses a management processor 33 that includes its own media access control functions as illustrated in the Fig. 1. See, for example, Abstract, Fig. 1, Col. 6, lines 21-37. Further, C. Liu discloses the multiport repeater 10 uses the value of each bit of a media type register to determine whether a scrambler/descrambler function is bypassed or not for a port. If the function is bypassed, then the port connects to an FX transceiver. If not, the function is used for a TX transceiver. Thus, by writing to the media type register through the management interface 33, the user of the repeater 10 can determine on a port by port basis the type of media for which it is adapted. See, for example, Col. 4, lines 16-28.

However, as admitted by the Examiner in the Action at page 3, C. Liu fails to disclose the use of a node discovery block. Accordingly, the Examiner suggests it would be obvious to one of ordinary skill in the art to combine the apparatus of C. Liu with a local discovery node disclosed by S. Liu. The S. Liu disclosed local discovery node having the capability of determining IP and MAC addresses of devices connected to a network. See, for example, the Action at page 3. The Applicants respectfully disagree that the combination of the multiport repeater disclosed by C. Liu with the local discovery node disclosed by S. Liu would result in the inventions as claimed.

Claim 1 as amended includes, *inter alia*, the feature "wherein the node discovery block obtains, retains and communicates node capability information regarding a destination node of the frame." That is, the node discovery block gathers and maintains **node capability information** used to select a MAC. The **node capability information** includes at least one of protocols, formats, type of node, transmit rates, receiving rates, operating characteristics of a physical layer device and mode of operation. See, for example, pg 4, lns 4-18, pg 5, lns 7-9, pg 6, lns 3-5 and lns 14-15, pg 7, lns 24-29, pg 12, lns 10-14.

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S. Liu does not make up for the deficiencies of C. Lui. In contrast, S. Lui discloses the local discovery node has the capability of determining the IP and MAC addresses of devices connected to the network. See, for example, Fig. 2, Col. 3, lns 34-37. As is understood by those having ordinary skill in the art, the capability to determine an IP and a MAC address is not equivalent to node capability information that includes at least one of *protocols, formats, type of node, transmit rates, receiving rates, operating characteristics of a physical layer device and mode of operation.*

Therefore, since C. Liu alone or in combination with S. Lui does not teach or suggest one or more of the features as recited in amended claim 1, amended claim 1 and the claims that depend therefrom are patentable over C. Liu alone or in combination with S. Lui.

With regard to claims 5, 10, 12 and 16, claim 5 and claim 16 include, *inter alia*, the feature “querying a node discovery block for node capability information regarding a destination node of the frame.” (emphasis added). Claim 10 and amended claim 12 include, *inter alia*, the feature “wherein the forming includes embedding in the frame MAC selection information regarding a destination node of the frame, if the software has available to it node capability information regarding the destination node.” (emphasis added).

As discussed above with regard to claim 1, neither C. Lui nor S. Lui alone or in combination disclose the use of node capability information. Further, neither Vepa nor Lowe make up for the deficiencies of C. Lui and/or S. Lui. That is, neither Vepa nor Lowe disclose node capability information as recited in the present claims. Thus, for at least the reasons stated above with regard to node capability information in amended claim 1, claims 5, 10, 12 and 16 and the claims that depend therefrom are patentable over C. Lui alone or in combination with S. Lui, Vepa and/or Lowe.

IV. NEW CLAIMS

Newly added claim 20 claims additional novel and unobvious features of the present invention. The features of claim 20 are supported by the specification and no new matter has been added. Therefore, claim 20 is believed to be allowable for at least the reasons stated above with regard to amended claim 1.

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V. CONCLUSION

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present invention.

Any fee(s) resulting from this communication is hereby authorized to be charged to our Deposit Account No. 18-0988; Our Order No. E0886 (AMDSP0374US).

Respectfully submitted,
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